BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR (C.G.) Single Bench

WRIT PETITION NO. 1353 /2006

PETITIONER : Smt. Mantori W/o Late Shri Purushottam aged about 39 years R/o Parsada Bade, Patwari Halka No. 11, Tahsil Sarangarh District Raigarh (C.G.)

VERSUS

RESPONDENTS :1. The State of Chhattisgarh
Through : Its Secretary,
Public Works Department (P.W.D.)
D.K.S. Building, Raipur (C.G.)

2. Executive Engineer,
Public Works Department,
Raigarh Division, District Raigarh (C.G.)

3. Sub Divisional Officer [S.D.O.]
Public Works Department,
Tahsil Sarangarh, District Raigarh (C.G.)

P.R. No. 847/06
Presented by Shri R.S. Agrawal
dated 15/12/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP 1353/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23-3-2006

Shri Sameer Behar, counsel for the petitioner.

Shri V.V.S. Murthy, Dy. Advocate General and Shri Satish Gupta, Dy. Govt. Advocate for the State of Chhattisgarh.

Application for urgent hearing is allowed.

Heard.

The petitioner has filed this petition under Article 226/227 of the Constitution of India praying for a direction to give compassionate appointment.

The petitioner's husband namely Purushottam was working on the post of Gangman (Permanent Labour) under the Sub Divisional Officer, Public Works Department, Sarangarh. He died on 2-3-2001 during his service. Death Certificate is Annexure P-3. On account of death of her husband, the petitioner applied for compassionate appointment before the Sub Divisional Officer as per annexure P-4. Counsel submits that dependants of other persons, who died during service, have been given compassionate appointments in the Public Works Department, but the petitioner has not been given employment. The relief claimed is for a direction to the respondents to give compassionate appointment to the petitioner.

Learned State counsel submits that the matter will be examined as early as possible and if she is entitled for compassionate appointment, she will be given.

This Court in the case of Smt. Bhunbai Sahu Vs. Smt. Hamida Siddiqui reported in 2002(1) CGLJ 257 has highlighted the problems regarding compassionate appointment and directions have been issued. It

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was held that the compassionate is a benevolent provision and has been made with the object that after the death of the government employee, his dependents should not be rendered destitute. It was further directed that the petitioner should not be harassed.

There should not be any delay in such cases as the delay defeats justice. No useful purpose would be served in keeping such applications for compassionate appointments pending. They should be decided as early as possible.

Having considered the facts and circumstances of the case and material on record, it is directed that the case of the petitioner be decided as early as possible preferably within a period of three months from the date of production/receipt of a copy of this order. If she is entitled for compassionate appointment, she should be given the appointment and in case she is not entitled, then the order should specify the reasons and copy be supplied to her free of cost at her address.

The petition is accordingly disposed of at this stage with liberty to file afresh in case grievance still remains.

Certified copy as per rules.

Copy to State Counsel for compliance.

Sd/-
Fakhruddin
Judge

H/-

10.4.06

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